

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL M. NGRIME,

Plaintiff,

v.

DOUGLAS COUNTY,

Defendant.

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CASE NO. 8:07CV387

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal In Forma Pauperis. (Filing No. [49](#).) On August 12, 2009, the court dismissed Plaintiff's claims with prejudice and entered judgment against Plaintiff. (Filing Nos. [44](#) and [45](#).) Plaintiff filed a timely Notice of Appeal of the court's Judgment. (Filing Nos. 47 and [48](#).) Plaintiff is a non-prisoner and has not previously been granted leave to proceed in forma pauperis ("IFP") in this matter.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). The court has carefully reviewed the record. Although Plaintiff has filed a Motion for Leave to Appeal IFP, he has failed to file an affidavit that claims an entitlement to redress and states the issue that Plaintiff intends to present on appeal. Therefore, Plaintiff's Motion for Leave to Appeal IFP must be denied. However, Plaintiff

may file a motion pursuant to [Fed. R. App. P. 24\(a\)\(5\)](#) with the Eighth Circuit and again request leave to proceed IFP on appeal.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for leave to appeal in forma pauperis (Filing No. [49](#)) is denied;
2. The Clerk of the court shall not process the appeal to the Court of Appeals; and
3. The Clerk of the court is directed to immediately forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals in accordance with [Federal Rule of Appellate Procedure 24\(a\)\(4\)](#).

DATED this 15th day of December, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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